

REMARKS

The Office Action of June 29, 2004 indicates that claims 1- 7 are withdrawn. However, Applicant's response of May 17, 2004 elected to prosecute claims 5-8. Consequently, only claims 1-4 are withdrawn.

The claims are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make and/or use the invention. The claims are also provisionally rejected on a variety of judicially created, obviousness-type double-patenting grounds. As the double-patenting rejections are provisional, the Applicant shall deal with those rejections when the examiner indicates that the claims are otherwise allowable.

Turning to the Section 112 rejections, it is respectfully submitted that the specification would, indeed, enable one skilled in the art to make and use the invention without undue experimentation. In fact, paragraphs 59-79 present three separate examples, data from which is displayed in the drawings. Furthermore, detailed Figure 1 presents a hypothetical mode of action for smilagenin.

It is respectfully submitted that in view of the three examples and the information presented in the drawings, the specification is enabling. Withdrawal of the Section 112 rejection is respectfully requested.

A three-month extension of time in which to respond is hereby requested. A check for the extension fee is enclosed herewith.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:

  
Scott R. Hansen

Registration No. 38,486

SRH:gbr  
Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201  
74925.1